

REMARKS

(A) STATUS OF THE APPLICATION

Applicants thank the Examiner for his explanation of the rejections in the Final Office Action dated March 06, 2006, and the Advisory Action dated June 23, 2006.

(I) DISPOSITION OF CLAIMS

- (i) Claims 1-586 have been canceled.
- (ii) Claim 587-612 are pending in the application.
- (iii) Claims 587, 590-597, 600-605, 607, 608, 610, and 611 have been rejected.
- (iv) Claims 588, 589, 599, 606, 609, and 612 are objected to.

(II) APPLICANTS' ACTION

- (i) Applicants respond to the rejection of Claims 587, 590-597, 600-605, 607, 608, 610, and 611.
- (ii) Applicants have currently amended Claim 587. Amendment to Claim 587 in response to the Final Office Action was not entered.
- (iii) Applicants respond to the objection to Claims 588, 589, 599, 606, 609, and 612.

(B) RESPONSE TO REJECTION UNDER 35 U.S.C. § 102(B)-CLAIMS 587, 590-597, 600-605, 607, 608, 610 & 611

(I) Examiner's Remarks

Claims 587, 590-597, 600-605, 607, 608, 610 and 611 are rejected under 35 U.S.C. § 102(b) as anticipated by van Asselt.¹ In examining the claims, the Examiner construed the meaning of the transitional phrase "consisting essentially of" equivalent to that of the transitional phrase "comprising," because in the Examiner's opinion, there is an absence of a clear indication in the specification or claims of what the basic and novel characteristics of the claimed invention actually are, particularly, "because the specification does not teach that excluding monomers

¹ van Asselt, *et al.*, *J. Am. Chem. Soc.* 1994, 116, 977-985.

such as CO from the polymerization process is a basic and novel characteristic of the invention.”²

(II) Applicants' Response

Applicants respectfully submit that the above point equating the two “standards” does not apply to said claims because the transitional phrase “consisting essentially of” is applied only to the monomers themselves. Moreover, olefins and olefinic compounds are well defined in organic chemistry and would therefore not include CO (carbon monoxide).

However, in order to advance prosecution, Applicants have amended Claim 587 to delete the word “essentially,” thereby rendering the transitional phrase for Claim 587 to “consisting of.” Applicants presume this will overcome the rejection.

Therefore, Applicants respectfully solicit allowance of all rejected claims.

(C) RESPONSE TO OBJECTION TO CLAIMS 588, 589, 599, 606, 609, & 612

Applicants have amended Claim 587 and believe that as a result, the rejection of all the rejected claims, including Claim 587, is overcome. Claims 588, 589, 599, 606, 609, and 612 are therefore not dependent upon rejected claims. Thus, the objection to said claims is overcome. Applicants respectfully solicit withdrawal of objection to said claims.

² Office Action dated March 06, 2006, *citing* MPEP § 211.03 (*citing* PPG Industries v. Guardian Industries, 156 F.3d 1351, 1355 (Fed. Cir. 1998)).

CONCLUSION

In view of the above remarks, Applicants respectfully submit that the stated grounds of rejection have been properly traversed, accommodated, or rendered moot and that a complete response has been made to the Final Office Action mailed on March 06, 2006, and the Advisory Action mailed June 23, 2006.

Therefore, Applicants believe that the application stands in condition for allowance with withdrawal of all grounds of rejection. A Notice of Allowance is respectfully solicited.

If the Examiner has questions regarding the application or the contents of this response, the Examiner is invited to contact the undersigned at the number provided.

Applicants believe that a five-month extension of time is required under 37 C.F.R. § 1.136(a). Should there be a fee due which is not accounted for, please charge such fee to Deposit Account No. 04-1928.

RESPECTFULLY SUBMITTED,

BY:

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